

To the Honorable Council City of Norfolk, Virginia

September 15, 2015

From:

George M. Homewood, AICP, CFM, Planning Director

Subject:

Special Exception to operate an Eating and Drinking Establishment at 4820 Hampton

Boulevard, Suites B and C - Hair of the Dog Eatery

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved:

Waren Done

Item Number:

R-7

Marcus D. Jones, City Manager

- I. Staff Recommendation: Approval.
- II. <u>Commission Action:</u> By a vote of 6 to 0, the Planning Commission recommends Approval.
- III. Request: Special Exception to operate an Eating and Drinking Establishment
- IV. Applicant: Hemanth Reddy

V. <u>Description:</u>

- Granting this request will allow Hair of the Dog Eatery to open a new restaurant serving alcoholic beverages for on-premises consumption.
- Subway and Kobe Japanese Cuisine previously occupied the suites making up the proposed site.

	Proposed	
Hours of Operation	7:00 a.m. until 1:30 a.m., Seven days a week	
Hours for the Sale of Alcoholic Beverages	9:00 a.m. until 1:30 a.m., Seven days a week	
	80 seats indoors	
Capacity	32 seats outdoors	
	140 total capacity	

Staff point of contact: Chris Blough at 664-6771, Christopher.Blough@Norfolk.gov <u>Attachments</u>:

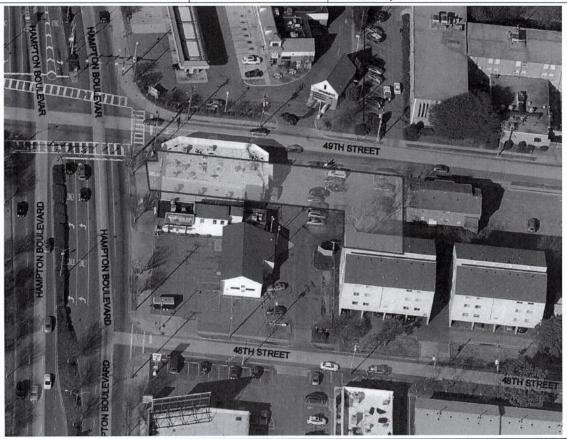
- Staff Report to CPC dated August 27, 2015 with attachments
- Proponents and Opponents
- Ordinance



Planning Commission, Public Hearing: <u>August 27, 2015</u> Executive Secretary George M. Homewood, AICP, CFM

Planner:	Chris Blough	CB

Staff Report	Item No. 12	Item No. 12			
Address	4820 Hampton Blvd	4820 Hampton Blvd, Suites B and C			
Applicant	Hair of the Dog Eat	Hair of the Dog Eatery			
Request	Special Exception	Special Exception Eating and Drinking Establishment			
Property Owner	Darshak Patel	Darshak Patel			
	Site/Building Area	8,200/3,000 sq. ft.			
Cita Chamataniatia	Zoning	C-2 (Corridor Commercial)			
Site Characteristics	Neighborhoods	ODU Village			
	Character District	Traditional			
	North	C-2: Miller Mart			
Surrounding Area	East	R-15: High Density Residential (8 units)			
	South	C-2: Great Clips Hair Salon			
	West	IN-2: Duplex			



A. Summary of Request

- Granting this request will allow Hair of the Dog Eatery to open a new restaurant serving alcoholic beverages for on-premises consumption.
- Subway and Kobe Japanese Cuisine previously occupied the suites making up the proposed site.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

The use is permitted in the C-2 district by special exception.

	Proposed	
Hours of Operation	7:00 a.m. until 1:30 a.m., Seven days a week	
Hours for the Sale of Alcoholic Beverages	9:00 a.m. until 1:30 a.m., Seven days a week	
	80 seats indoors	
Capacity	32 seats outdoors	
	140 total capacity	

ii. Parking

- The site is located in the Traditional Character District, which requires one parking space per 175 square feet of enclosed building area for eating and drinking establishments.
 - The 4,277 square-foot building must provide 24 parking spaces.
- The Zoning Ordinance promotes the reuse of existing buildings throughout the City by acknowledging all buildings constructed prior to 1992 as being vested from the basic parking minimum parking requirement of 1 space per 250 square feet. Therefore, this facility is vested for 17 parking spaces.
- The site includes a parking area that meets the required number of spaces.

iii. Flood Zone

- The property is located in the X Flood Zone, which is a low risk flood zone, and the AE Flood Zone, which is a high risk flood zone.
- The portion of the property in the AE Flood Zone has a required Base Flood Elevation (BFE); any development of the property will have to be elevated, or flood-proofed, to the BFE plus three feet of freeboard.

D. Transportation Impacts

Institute of Transportation Engineers (ITE) figures estimate that this restaurant use will generate 295 additional vehicle trips per day by increasing total indoor seating at this location by 61 seats above currently approved levels.

E. Impact on the Environment

- The applicant will work with the Department of City Planning and the Department of Recreation Parks and Open Space to submit a landscaping plan, showing landscaping improvements to the parking lot on the easternmost portion of the site.
- There were 12 calls for service for this site over the past year, with no arrests made.

F. Impact on Surrounding Area/Site

By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative effect on the surrounding neighborhood.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

The application was sent to the Lamberts Point Civic League and Highland Park Civic League on July 15.

I. Communication Outreach/Notification

- Legal notice was posted on the property on July 14.
- Letters were mailed to all property owners within 300 feet of the property on August 14.
- Legal notification was placed in The Virginian-Pilot on August 13 and August 20.

J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours of operation for the establishment shall be from 7:00 a.m. until 1:30 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the sale of alcoholic beverages shall be from 9:00 a.m. until 1:30 a.m., seven days a week.
- (c) A landscape plan shall be submitted to the Department of Recreation, Parks and Open Space and the Department of City Planning for review and approval.
- (d) No business license shall be issues until condition "c" is implemented.

- (e) The landscaping shall be installed and maintained in accordance with the approved plan.
- (f) The seating for the establishment shall not exceed 80 seats indoors, 32 seats outdoors, and the total occupant capacity, including employees, shall not exceed 140 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (g) The outdoor dining area shall not extend more than ten (10) feet outside the property line abutting Hampton Boulevard.
- (h) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (i) The establishment shall maintain a current, active business license at all times while in operation.
- (j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (I) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (m) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

- (n) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (o) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (p) There shall be no entertainment, no dancing, and no dance floor provided.
- (q) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (r) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments
Application
Notice to the Lamberts Point Civic League and Highland Park Civic Leagues

Proponents and Opponents

Proponents

Hemanth Reddy – Applicant 4820 Hampton Boulevard, Suites B & C Norfolk, VA 23508

Vineet Lal – Applicant 4820 Hampton Boulevard, Suites B & C Norfolk, VA 23508

Opponents

None

08/28/2015 lds

Form and Correctness Approved

Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved: ML.1

By DEPT.

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "HAIR OF THE DOG EATERY" ON PROPERTY LOCATED AT 4820 HAMPTON BOULEVARD, SUITES B AND C.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Moliar Liquid Assets 3, LLC authorizing the operation of an eating and drinking establishment named "Hair of the Dog Eatery" on property located at 4820 Hampton Boulevard, suites B and C. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 50 feet, more or less, along the eastern line of Hampton Boulevard, and 203 feet, more or less, along the southern line of 49th Street; premises numbered 4820 Hampton Boulevard, suites B and C.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be limited to 7:00 a.m. until 1:30 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the sale of alcoholic beverages shall be limited to 9:00 a.m. until 1:30 a.m. the following morning, seven days per week.
- (c) A landscape plan shall be submitted to the Department of Recreation Parks and Open Space and the Department of City Planning for review and approval.
- (d) All landscaping installed on the premises shall be

- maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (e) The seating for the establishment shall not exceed 80 seats indoors, 32 seats outdoors, and the total occupant capacity, including employees, shall not exceed 140 people.
- (f) The outdoor dining area shall not extend more than ten (10) feet beyond the western façade of the building which faces Hampton Boulevard.
- (g) No portion of the outdoor dining area shall be enclosed and any covering must leave the dining space open on at least three sides. No portion of the outdoor dining area shall be heated, cooled or conditioned in any way.
- (h) No smoking shall be permitted anywhere in the outdoor dining area.
- (i) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (j) The establishment shall maintain a current, active business license at all times while in operation.
- (k) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (1) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (m) During all hours of operation, the establishment

operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

- (n) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- The business authorized by this special exception (0) shall conducted in accordance with Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (p) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (q) There shall be no entertainment, no dancing, and no dance floor provided.
- (r) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(s) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- use and development will be proposed (d) constructed, arranged and operated so as not to use and interfere with the development accordance with the in neighboring property applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (3 pages)



EXHIBIT "A" Description of Operations Eating and Drinking Establishment

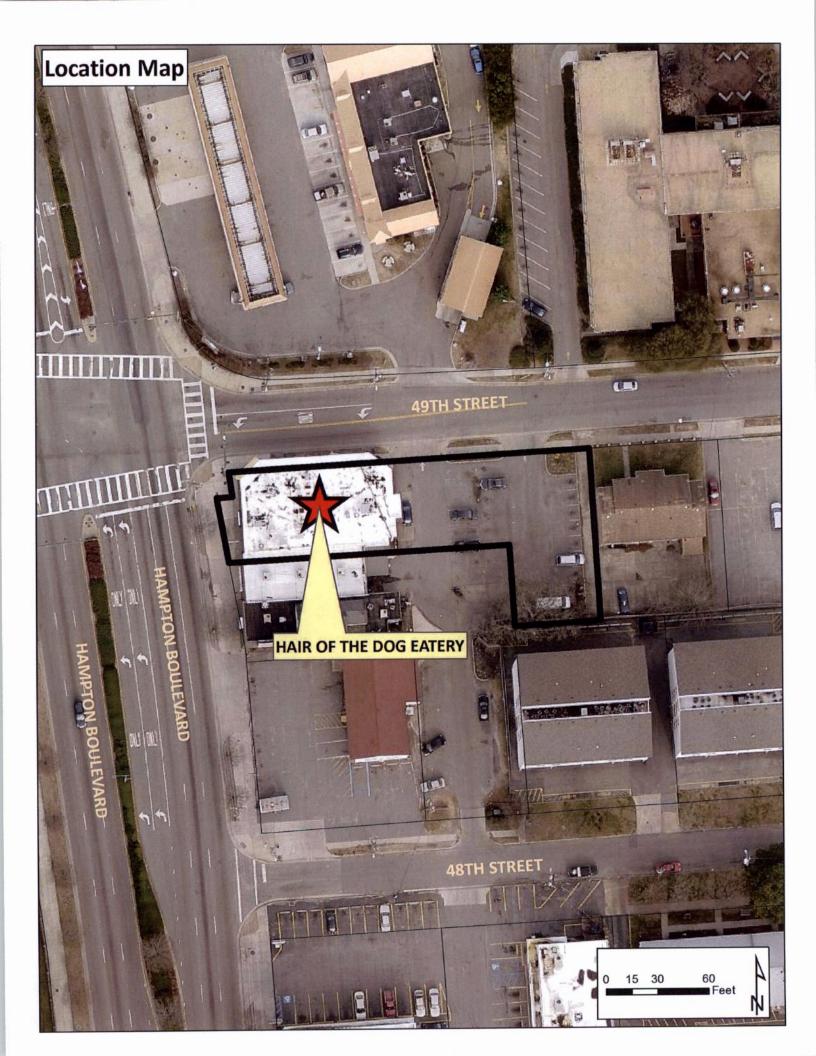
Date 7 10 2015				
Trade name of business HAIR OF THE DOG EATTER				
Address of business 4620 Hampton BLVD. SUITEBEC				
Name(s) of business owner(s)* HEMANTH REDDY, THOMAS SMITH				
Name(s) of property owner(s)* DARSHAK J	PATEL	e,uc 		
Daytime telephone number (757) 343-19	929	•		
*If business or property owner is partnership, all partners must be listed. *If business or property owner is an LLC or Corporation, all principals must be listed.				
Proposed Hours of Operation:				
Facility Weekday From <u>7:00AM</u> To <u>1:36AM</u>	Alcoholic B Weekday	everage <u>Sales</u> From <u>9: № AM To <u>1:30AM</u></u>		
Friday From 7.00 AM To 1130 AM	Friday	From 9100 AM To 130 AM		
Saturday From 7:00 AMTo 1:30 AM	Saturday	From 9:00AM To 1:30AM		
Sunday From 7:00 AMTO 1:30 AM	Sunday	From 9100 AM To 130AM.		
 Type of ABC license applied for (check all applicable boxes) □ On-Premises □ Off-Premises (additional application required) 				
3. Type of alcoholic beverage applied for ☑ Beer ☑ Wine ☑ Mixed Bev	verage			
 Will indoor or outdoor entertainment be provided? (Entertainment consists of anything more than one, unamplified musician) □ Yes (Different application required) □ No 				

Exhibit A – Page 2 Eating and Drinking Establishment

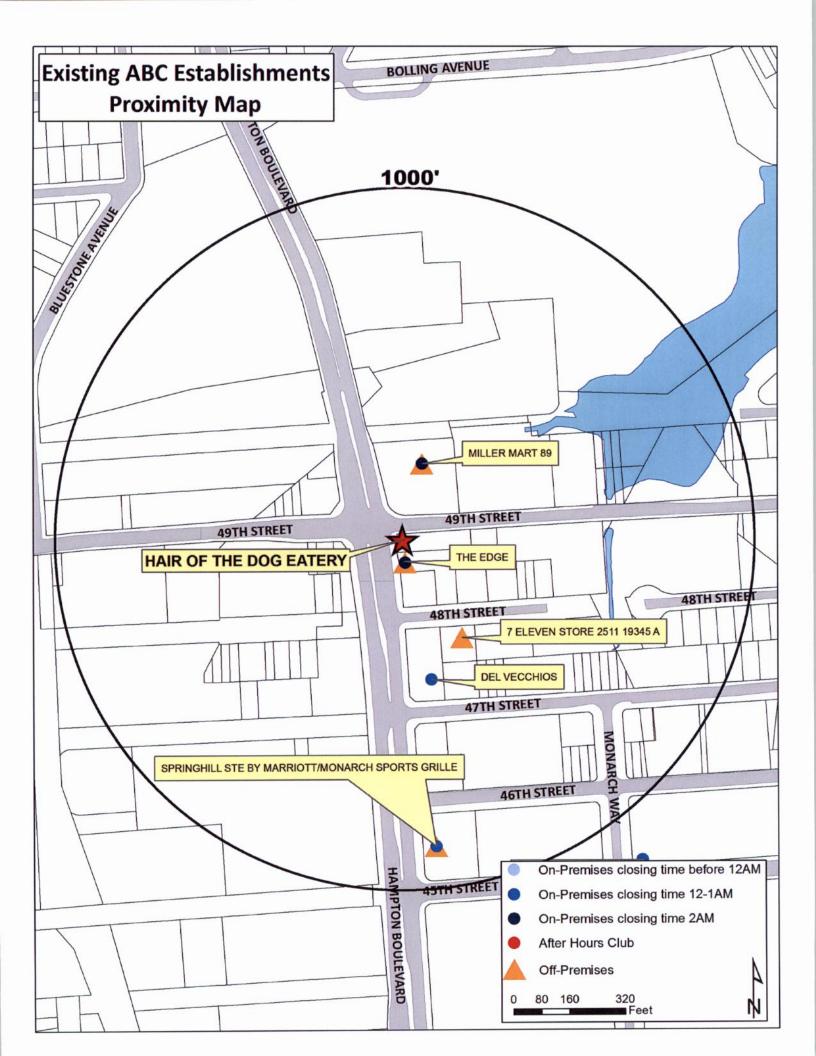
5.	Will video games, pool tables, game boards or other types of games be provided? ☐ Yes (If more than 4, additional application required) ☐ No				ied?		
	5a.	If yes, pleas	se describe ty	pe and numbe	r of each gar	me to be provided	
6.	Will p			enter the estab	olishment?		
	6a.	If yes, why			7.		
							4
	6b.	Which days	of the week v	vill there be a	cover charge	(circle all applicable	e days)?
		Monday	Tuesday	Wednesday	Thursday	Friday	
		Saturday	Sunday				
7.	Will th □ Yes		portion of the	e facility be ava	ilable for priv	ate parties?	¥
	7a.	If yes, expla	in				
					(90)		
8.	Will a □ Yes	third party (p	romoter) be p	ermitted to leas	se, let or use	the establishment	?
	8a.	If yes, explain	in				
9.	Will th		a minimum ag	e limit?	+	,	

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility Signature of Applicant

Eating and Drinking Establishment









APPLICATION ADULT USE SPECIAL EXCEPTION EATING AND DRINKING ESTABLISHMENT (Please print)

Date 110 >05
DESCRIPTION OF PROPERTY
Address 4820 HAMPTON BLVD, SUITE BRC
Existing Use of Property RESTAURANT
Proposed Use RESTAURANT
Current Building Square Footage 3,000 SQ FT
Proposed Building Square Footage 3,000 SQ PT
Trade Name of Business (if applicable) HAIR OF THE DOG EATER
APPLICANT (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners
1. Name of applicant: (Last) REDDY (First) HEMANTH (MI)
Mailing address of applicant (Street/P.O. Box): 3618 TIDEWATER DRIVE
(City) NORTH (State) VA (Zip Code) 23509
Daytime telephone number of applicant (157) 343-1929 Fax (688) 309-7809
E-mail address of applicant: TREDDY CAUPSOVS. COM

AUTHORIZED AGENT (if applicable) (If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners) 2. Name of applicant: (Last) LAL (First) VINET (MI) Mailing address of applicant (Street/P.O. Box): 3618 TIDEDATER PRIVE (City) No eroux (State) VA (Zip Code) 23509 Daytime telephone number of applicant (757)218-7997 Fax (688)399-7869 E-mail address of applicant: VIALE CALIPSOVE COM PROPERTY OWNER (If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners) 3. Name of property owner: (Last) PATEL (First) DARSHAL (MI) J Mailing address of property owner (Street/P.O. box): 817 VIRGINIA BEACH BLVD, STE to 2 (City) VIRGINIA BEACH (State) VA (Zip Code) 23568 Daytime telephone number of owner (57) 287-8333 email: DSPATE CPLAZA RESERVANT. AM CIVIC LEAGUE INFORMATION Civic League contact: Date(s) contacted:

Application

Page 2

Eating and Drinking Establishment

Ward/Super Ward information:

Application
Eating and Drinking Establishment
Page 3

REQUIRED ATTACHMENTS

- Required application fee, \$355.00 (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:
Print name: DARSHAK PATE Sign: Sign: O7 1 0 - 1 5 (Date)
Print name: HEMANTH RELOY Sign: MANUACH 01, 10 ,2015
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: VINCET LAL Sign: VIAGO 7 | 10 | ZOLS (Authorized Agent Signature)

Exhibit A – Floor Plan(s) Worksheet Eating and Drinking Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - o Tables/seats
 - Restroom facilities
 - o Bar
 - Ingress and egress
 - Standing room
 - Outdoor seating
 - o Total maximum capacity (including employees)

Total capacity

a.	Indoor Number of seats (not including bar seats)	80
	Number of bar seats	21
	Standing room	
b.	Outdoor Number of seats	32
c.	Number of employees	_7_

Total Occupancy (Indoor/Outdoor seats, standing room and employees) = 145

Norfolk, Virginia 23510

